



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 4433-00
26 December 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 26 March 1990 at the age of 20. Your record reflects that you served for a year and eight months without disciplinary incident but on 7 November 1991 you received nonjudicial punishment (NJP) for failure to obey a lawful order and damaging government property. The punishment imposed was restriction and extra duty for 20 days and a \$200 forfeiture of pay.

Your record further reflects that on 16 January 1992 you received NJP for an 11 day period of unauthorized absence (UA) and missing the movement of your ship. The punishment imposed was a \$300 forfeiture of pay and restriction and extra duty for 30 days. On 20 March 1992 you received NJP for absence from your appointed place of duty and were awarded a \$300 forfeiture of pay and restriction and extra duty for 30 days. Shortly thereafter, on 30 March 1992, you received your fourth NJP for absence from your appointed place of duty and were awarded a \$200 forfeiture of pay.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and commission of a serious offense. After consulting with legal counsel you elected your right to present your case to an administrative discharge board (ADB). On 10 August 1992 an ADB recommended you be issued a general discharge by reason of misconduct. On 25 August 1992 your commanding officer also recommended you be issued a general discharge by reason of misconduct due to a pattern of misconduct as evidenced by the four NJPs. On 24 September 1992 the discharge authority approved this recommendation and directed a general discharge. On 14 October 1992 you were so discharged by reason of misconduct due to a pattern of misconduct, and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your reason for separation is an error. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your narrative reason for separation or reenlistment code given the serious nature of your frequent misconduct, which resulted in four NJPs. Given all the circumstances of your case, the Board concluded your discharge, narrative reason for separation, and reenlistment code were proper as issued and no change is warranted. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contention that your narrative reason for separation is an error. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director